IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 9699 OF 2004

Vilas R. Gaikwad. ..Petitioner.

Vs.

M/s. Bharat Electronics Ltd. ..Respondents.

Mr. D.K.Ghaisas for Petitioner.

Mrs. M.H. Doshi for the Respondents.

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CORAM : B.H. MARLAPALLE,J.
DATED : 11TH APRIL,2005.

P.C.:

1. Heard Mr.Ghaisas, the learned counsel for the petitioner who was employed under M/s. Bharat Electronics Ltd.

2. Reference No.(IT) 27 of 1998 was made by the State Government and a preliminary issue was raised regarding the appropriate Government for the said establishment. The Tribunal noted that 75% of the share holding of M/s. Bharat Electronics Ltd. was in the name of the President of India and the remaining 25% shares of the respondents are owned by

the financial institutions like nationalized banks etc. and as the company is fully owned by the Government of India, the appropriate Government would be the Central Government. Once these findings were recorded by the Industrial Court, it was not permissible for it to proceed to make observations on merits of the case and against the petitioner employee.

3. While upholding the findings recorded by the Tribunal regarding Central Government being the appropriate Government for M/s. Bharat Electronics Ltd., it is directed that the findings recorded by the Tribunal on merits will not come in the way of the petitioner so as to reagitate his challenge to the order of dismissal before the Central Government, Tribunal or any other forum as is available in law.

4. Save and except the above observations, petition is rejected summarily with liberty as is available in law.

(B.H.MARLAPALLE, J)